

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

FELIX PATTERSON, ET AL.	§	
VS.	§	CIVIL ACTION NO. 1:21cv537
DIRECTOR, TDCJ-CID	§	

MEMORANDUM ORDER REGARDING TRANSFER

Petitioner Felix Patterson, an inmate confined at the Clements Unit of the Texas Department of Criminal Justice, Institutional Division, along with his mother Delores Patterson, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Discussion

Petitioner brings this petition for writ of habeas corpus challenging his criminal conviction. A review of petitioner's offense history reveals his most recent conviction was obtained in Brazoria County, Texas on April 16, 2019. See <https://inmate.tdcj.texas.gov/InmateSearch/search.action>. Petitioner was sentenced to three years' confinement in the Texas Department of Criminal Justice, Correctional Institutions Division.

Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the district court for the district wherein such person is in custody or in the district court for the district within which he was convicted. Section 2241(d) further provides that the district court in the exercise of its discretion may transfer the action to the other district in the furtherance of justice.

Petitioner challenges a conviction received in Brazoria County, Texas. Additionally, petitioner is currently housed at the Clements Unit which is located in Potter County, Texas. Pursuant to 28 U.S.C. § 124, neither Brazoria County nor Potter County are within the jurisdictional boundaries of this court. Thus, petitioner has failed to establish jurisdiction exists in this court.

Under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district or division where it could

have been brought. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

The county of petitioner's most recent conviction, Brazoria County, is located within the Houston Division of the United States District Court for the Southern District of Texas. Since it appears that petitioner complains of a conviction received in the Houston Division of the Southern District of Texas and all records and witnesses involving this action may be located in such district, the transfer of this action to such division would further justice. Therefore, it is the opinion of the undersigned that this petition should be transferred to the United States District Court for the Southern District of Texas, Houston Division. An Order of Transfer so providing shall be entered in accordance with this Memorandum Order.

SIGNED this 28th day of October, 2021.



Zack Hawthorn
United States Magistrate Judge